

REMARKS

Claims 1-31 are pending, with Claims 22-31 being withdrawn from consideration as being directed to a non-elected invention. Claims 1 and 22-31 are being cancelled herein, leaving Claims 2-21 pending and under consideration.

Amendments to the Claims

Claims 1 and 22-31 have been cancelled, without prejudice, as being drawn to a non-elected invention.

Claims 5-16 and 18-21 have been amended to clarify their preambles and to correct a minor typographical error in Claim 11. Claims 5 and 6 have been further amended to recite “base” instead of “nucleobase.” None of the amendments alter the scope of the claims or introduce new matter.

Statutory Double Patenting

Claim 1 stands rejected under 35 U.S.C. § 101 as being drawn to the same invention as Claim 1 of U.S. Patent No. 6,849,745. The rejection is moot in light of the cancellation of Claim 1, and should be withdrawn.

Non-Statutory Double Patenting

Claims 1-21 stand rejected under the judicially-created doctrine of obviousness-type double patenting over Claims 1, 26-39 and 41-57 of commonly owned U.S. Patent No. 5,945,526; Claims 1-74 of commonly owned U.S. Patent No. 5,800,996; and Claims 1-40 of commonly owned U.S. Patent No. 5,863,727.

The rejections are obviated by the three terminal disclaimers enclosed herewith.

Information Disclosure Statement

The Office Action notes that certain of the references cited in the Information Disclosure Statement (IDS) filed November 21, 2005 were not considered because they were either duplicates or copies could not be found in the files of the parent applications. Specifically, references identified as Cite Nos. B9 and C37 are indicated as being duplicates, Cite Nos. B1-B7, B11-B12, B19, B23, B29, C57 and C85 were not found, and Cite No. C30 did not include a date.

An IDS re-citing the references of Cite Nos. B1-B7, B11-B12, B19, B23, B29, C30, C57 and C85 is enclosed herewith, along with copies of the references. A date has been added for Cite No. C30.

Also cited in this IDS is U.S. Patent No. 6,335,440, which is the grandparent of the instant application. The other family members of the instant application, U.S. Patent Nos. 5,863,727, 5,847,162, 5,800,996, 5,945,526 and 6,849,745 were either cited by Applicant in the IDS of November 21, 2005, or by the Examiner in the instant non-final Office Action. Consideration of the '440 patent, as well as the other references listed in the enclosed substitute PTO 1449 is requested.

Conclusion

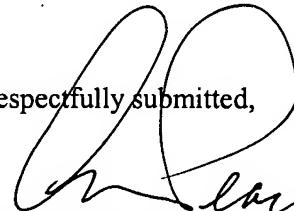
Claims 2-21 are believed to satisfy all of the criteria for patentability and to be in condition for allowance. An early indication of the same is therefore kindly requested.

No fees are due in connection with this Amendment. However, the Director is authorized to charge any additional fees that may required, or credit any overpayment, to Dechert LLP Deposit Account No. 50-2778 (Order No. 375461-002T1C4) (355315)).

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DECHERT LLP
Customer No. 37509
Tel: 650.813.4800
Fax: 650.813.4848

Respectfully submitted,



Ann M. Caviani Pease
Reg. No. 42,067